

REMARKS

Claims 1 and 3-33 are all the claims pending in the application. Claims 22, 24 and 28 stand rejected.

Allowable Subject Matter

Applicant thanks the Examiner for indicating claims 1 and 3-21 are allowed.

Additionally, the Examiner objected to claims 23, 25-27 and 29-33 as being dependent upon a rejected base claim, but indicated these claims would be allowed if rewritten in independent form.

Claim 22 is amended herewith to incorporate the features of allowable claim 1.

Specifically, claim 22 has been amended to recite “a control unit which is configured to control at least one injection parameter of the fluid in order to control the expansion of the preform to produce the final container so that a final internal volume of the container falls within predetermined limits with respect to a reference volume.”

Claim Rejections – 35 U.S.C. § 103(a)

Claims 22, 24 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dusterhoft (US Pub. 2002/0062161).

Regarding this rejection, the Examiner contends:

While Dusterhoft does not specifically teach that an injection parameter of the fluid is controlled according to instant claim 22, Dusterhoft teaches a controllable pressure apparatus (26). The apparatus taught by Dusterhoft is capable of performing the instantly claimed function which, is should be noted, is a method limitation and does not materially affect the apparatus.

(*Office Action*, p. 2).

However, Applicant submits that claim 22, as amended herewith, positively recites “a control unit which is configured to control at least one injection parameter of the fluid in order to control the expansion of the preform to produce the final container so that a final internal volume

of the container fall within predetermined limits with respect to a reference volume."

Accordingly, as this as a structural feature of the system, Applicant submits this feature should be given patentable weight, and further, patentably distinguishes claim 22 from Dusterhoft.

Thus, Applicant respectfully submits claim 22 is allowable for at least this reason.

Additionally, Applicant submits claims 24 and 28 are allowable, at least by virtue of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/David P. Emery/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

David P. Emery
Registration No. 55,154

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

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